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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,871	02/27/2002	Koji Kunii	450100-03801	7277
20999	7590	08/10/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			WILDER, PETER C	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,871

Applicant(s)

KUNII ET AL.

Examiner

Peter C. Wilder

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. 6799327 B1) in view of Klosterman (U.S. 6072983).

Referring to claim 1, Reynolds teaches a portable information terminal apparatus (Figure 1 element 54 and Column 5 lines 11-17) connected to a recording/reproducing apparatus (Figure 1 elements 48, 50, and 52), comprising:

first generating means for generating a first signal for causing said recording/reproducing apparatus to acquire program information about a program, the generation of said first signal being based on an operation performed by a user (Column 4 lines 29-32 teaches receiving program information on demand which means a user

requested the data and Column 5 lines 11-17 teach the remote control/PDA being used to control the system);

first transmitting means for transmitting to said recording/reproducing apparatus said first signal generated by said first generating means (Column 4 lines 29-32 teaches receiving program information on demand which means a user requested the data and Column 5 lines 11-17 teach the remote control/PDA being used to control the system; a PDA/remote control is known as a wireless device so they require a transmitting means to send a signal to make requests on demand);

Reynolds fails to teach second generating means for generating a second signal for causing said recording/reproducing apparatus to display the acquired program information, the generation of said second signal being based on an operation performed by said user;

second transmitting means for transmitting to said recording/reproducing apparatus said second signal generated by said second generating means;

third generating means for generating a third signal for causing said recording/reproducing apparatus to preset said program for unattended recording, the generation of said third signal being based on an operation performed by said user;

and third transmitting means for transmitting to said recording/reproducing apparatus said third signal generated by said third generating means.

In an analogous art Klosterman teaches second generating means for generating a second signal for causing said recording/reproducing apparatus to display the

acquired program information, the generation of said second signal being based on an operation performed by said user (Column 7 lines 43-45);

second transmitting means for transmitting to said recording/reproducing apparatus said second signal generated by said second generating means (Column 7 lines 43-45);

third generating means for generating a third signal for causing said recording/reproducing apparatus to preset said program for unattended recording, the generation of said third signal being based on an operation performed by said user (Column 9 lines 28-33);

and third transmitting means for transmitting to said recording/reproducing apparatus said third signal generated by said third generating means (Column 9 lines 28-33).

At the time the invention was made it would have been obvious for one skilled in the art to modify the television system with a remote control apparatus of Reynolds using the unattended recording using a remote control apparatus of Klosterman for the purpose of allowing a user to set a recording of a show to allow the user to be doing something other than watching the television when the show is being aired (Column 9 lines 28-29, Klosterman).

Referring to claim 2, depending on claim 1, Klosterman teaches a portable information terminal apparatus, wherein said first transmitting means, said second transmitting means and said third transmitting means transmit infrared rays modulated

to represent said first signal, said second signal and said third signal generated by said first generating means, said second generating means and said third generating means respectively (Column 4 lines 41-50).

Referring to claim 7, see the rejection of claim 1.

Referring to claim 8, see the rejection of claim 1 under 103(a), and Reynolds teaches in Column 5 lines 10-18 the remote control can be a PDA which has a processor and processors requires memory which store computer program to function.

Referring to claim 9, see the rejection of claim 1 under 103(a), and Reynolds teaches in Column 5 lines 10-18 the remote control can be a PDA which has a processor and processors requires memory which store computer program to function.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. 6799327 B1) in view of Klosterman (U.S. 6072983) further in view of Huang et al. (U.S. 6437836 B1).

Referring to claim 3, depending on claim 1, Reynolds and Klosterman fail to teaches a portable information terminal apparatus wherein said first transmitting means, said second transmitting means and said third transmitting means transmit radio waves

modulated to represent said first signal, said second signal and said third signal generated by said first generating means, said second generating means and said third generating means respectively

In an analogous art Huang teaches a portable information terminal apparatus wherein said first transmitting means, said second transmitting means and said third transmitting means transmit radio waves modulated to represent said first signal, said second signal and said third signal generated by said first generating means, said second generating means and said third generating means respectively (Column 9 lines 22-24).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined apparatus of Reynolds and Klosterman using the RF remote control of Huang for the purpose of being able to transmit a signal to the receiving device through an object interfering in the line of sight of the remote and the receiving device.

Claims 4, 10, 14, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. 6799327 B1) in view of Klosterman (U.S. 6072983) further in view of Ellis et al. (U.S. 2005/0028208 A1).

Referring to claim 4, depending on claim 1, Reynolds and Klosterman fail teach a portable information terminal apparatus further comprising:

fourth generating means for generating a fourth signal for causing said recording/reproducing apparatus to reproduce and convert the recorded program to video data in a predetermined file format before outputting the converted video data, the generation of said fourth signal being based on an operation performed by said user; and

fourth transmitting means for transmitting to said recording/reproducing apparatus said fourth signal generated by said fourth generating means.

In an analogous art Ellis teaches fourth generating means for generating a fourth signal for causing said recording/reproducing apparatus to reproduce and convert the recorded program to video data in a predetermined file format before outputting the converted video data, the generation of said fourth signal being based on an operation performed by said user (Paragraphs [0134] and [0135] and Figure 2c); and

fourth transmitting means for transmitting to said recording/reproducing apparatus said fourth signal generated by said fourth generating means (Figure 5 element 58 and Paragraph [0077]).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined apparatuses of Reynolds and Klosterman using the program reproduction apparatus of Ellis for the purpose of remotely playing a program on the remote access device (Paragraph [0015], Ellis).

Referring to claim 10, Reynolds and Klosterman teach a portable information terminal apparatus connected to a recording/reproducing apparatus, comprising:

first generating means for generating a first signal for causing said recording/reproducing apparatus to acquire program information about a program, the generation of said first signal being based on an operation performed by a user;

first transmitting means for transmitting to said recording/reproducing apparatus said first signal generated by said first generating means;

second generating means for generating a second signal for causing said recording/reproducing apparatus to display the acquired program information, the generation of said second signal being based on an operation performed by said user;

second transmitting means for transmitting to said recording/reproducing apparatus said second signal generated by said second generating means;

third generating means for generating a third signal for causing said recording/reproducing apparatus to preset said program for unattended recording, the generation of said third signal being based on an operation performed by said user;

third transmitting means for transmitting to said recording/reproducing apparatus said third signal generated by said third generating means (See the rejection of claim 1 under 103(a)); and

Reynolds and Klosterman fail to teach receiving means for receiving a fourth signal transmitted from said recording/reproducing apparatus.

In an analogous art Ellis teaches receiving means for receiving a fourth signal transmitted from said recording/reproducing apparatus (Paragraphs [0134] and [0135] and Figure 2c).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined apparatuses of Reynolds and Klosterman using the program reproduction apparatus of Ellis for the purpose of remotely playing a program on the remote access device (Paragraph [0015], Ellis).

Referring to claim 14, depending on claim 10, see rejection of claim 4, the examiner views the fifth signal to be the same as the fourth signal in claim 4.

Referring to claim 17, see rejection of claim 10.

Referring to claim 18, see rejection of claim 10 and Reynolds teaches in Column 5 lines 10-18 the remote control can be a PDA which has a processor and processors requires memory which store computer program to function.

Referring to claim 19, see rejection of claim 18.

Claims 5, 6, 11-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. 6799327 B1) in view of Klosterman (U.S. 6072983) further in view of Ellis et al. (U.S. 2005/0028208 A1) further in view of Huang et al. (U.S. 6437836 B1).

Referring to claim 5, depending on claim 4, Reynolds, Klosterman, and Ellis fail to teach a portable information terminal apparatus wherein said fourth transmitting means transmits infrared rays modulated to represent said fourth signal generated by said fourth generating mean.

In an analogous art Huang teaches a portable information terminal apparatus wherein said fourth transmitting means transmits infrared rays modulated to represent said fourth signal generated by said fourth generating mean (Column 4 lines 62-67 and Column 7 line 1).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined apparatuses of Reynolds, Klosterman, and Ellis using the IR apparatus of Huang for the purpose of communicating with consumer electronic devices (Column 4 lines 66-67, Huang).

Referring to claim 6, depending on claim 4, Reynolds, Klosterman, and Ellis fail to teach a portable information terminal apparatus wherein said fourth transmitting means transmits radio waves modulated to represent said fourth signal generated by said fourth generating means.

In an analogous art Huang teaches to teach a portable information terminal apparatus wherein said fourth transmitting means transmits radio waves modulated to represent said fourth signal generated by said fourth generating means (Column 4 lines 62-67 and Column 7 line 1 and Column 9 lines 22-25).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined apparatuses of Reynolds, Klosterman, and Ellis using the radio wave apparatus of Huang for the purpose of communicating with consumer electronic devices (Column 4 lines 66-67, Huang).

Referring to claim 11, depending on claim 10, see rejection of claim 5.

Referring to claim 12, depending on claim 10, see rejection of claim 6.

Referring to claim 13, depending on claim 10, see the rejections of claim 5 and 6.

Referring to claim 15, depending on claim 14, see rejection of claim 5, the examiner views the fifth signal to be the same as the fourth signal.

Referring to claim 16, depending on claim 14, see rejection of claim 6, the examiner views the fifth signal to be the same as the fourth signal.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PW



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